

CERTIFIED FOR PARTIAL PUBLICATION

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
FIFTH DISTRICT COURT OF APPEAL

COALITION FOR CLEAN AIR et al.,

Plaintiffs and Appellants,

v.

CITY OF VISALIA et al.,

Defendants and Respondents;

VWR INTERNATIONAL, LLC,

Real Party in Interest and Respondent.

F062983

(Super. Ct. No. VCU240546)

**ORDER MODIFYING
OPINION AND DENYING
REHEARING
(CHANGE IN JUDGMENT)**

It is ordered that the partially published opinion filed herein on September 14, 2012, be modified as follows:

On page 42, the second sentence of the “DISPOSITION” is deleted and the following is inserted in its place.

“The trial court is directed to vacate its order sustaining the demurrer and to enter a new order (1) overruling the demurrer as to the first cause of action, (2) overruling the demurrer as to the claim against City in the second cause, (3) sustaining the demurrer without leave to amend as to the claim against VWR International in the second cause of action, (4) sustaining the demurrer without leave to amend as to the claim against

VWR International in the third cause of action, and (5) sustaining the demurrer with leave to amend as to the sixth cause of action.³⁵”

This modification changes the judgment.

The petition for rehearing, filed in this court on October 2, 2012, by real party in interest is denied.

Franson, J.

I CONCUR:

Cornell, Acting P.J.

³⁵ Plaintiffs’ motion for consideration of additional evidence filed on August 25, 2011, and City’s request for judicial notice filed on March 14, 2012, are denied. Plaintiffs’ request for judicial notice filed on May 11, 2012, is granted.